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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,235	02/20/2001	Yoichi Nemugaki	202574US3PCT	4685

22850 7590 09/10/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

LOPEZ, CARLOS N

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/763,235	NEMUGAKI ET AL.	
	Examiner	Art Unit	
	Carlos Lopez	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1) Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letemps et al (US 4,957,528) in view of Prior Art Teaching (PAT) on page 4 line 21 through page 6 line 27. Letemps discloses a method tempering a glass plate by having air-blowing heads (16 & 102) at the upper and lower face of the glass plate (Figure 1). The glass plate is transferred using transferring means (rollers 4 & 101) to form a transferring path (deemed as the claimed air blowing area) wherein the path includes a first air-blowing heads (16) at the upstream portion of the transferring path and second air-blowing heads (102) at the downstream portion of the transferring path (Figure 1). Letemps is silent teaching stopping the upstream air-blowing areas from operating as the glass plate is transferred into the upstream portion of the transferring path nor does it teaches of stopping the air-blowing heads once the glass plate passes the upstream portion wherein the air-blowing heads (16) of Letemps are located. However, PAT teaches that the air blowing heads are started once an entire first glass plate is in the air blowing area formed by air-blowing heads, deemed as corresponding to upstream air blowing area of Letemps formed by the upstream air-blowing heads (16), in order to provide a uniform and tempered glass plate. Thus in view of PAT, at the time the

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invention was made it would have been obvious to one of ordinary skill in the art to have stopped the air-blowing heads (16) once the glass plate passes the upstream path in order to allow a second glass plate to be tempered in a uniform manner as taught by PAT.

As for claim 7-8, first air-blowing heads at the upstream portion of the transferring path formed by air-blowing heads (16) and second air-blowing heads (102) at the downstream portion of the transferring path provides a plurality of air-blowing areas along the transferring direction wherein the air-blowing heads 102 would be stopped to allow the glass plate to be entirely within the blowing area of air-blowing heads 102 and thus be tempered uniformly by the air-blowing heads 102 in the same manner for which the glass is tempered by the air blowing heads 16 in the upstream path as taught by Applicant's admission in order to provide a uniform tempering of the glass plate.

As for claim 9, in order to provide a uniform tempering of the glass plate, air would only be blown only where the glass plate is in its entirety positioned under the air blowing areas of the upstream and downstream air blowing heads 16 or 102 respectively. For example the glass plate would have air blowing from air-blowing heads 16 when the entire glass plate is in the air blowing area of upstream air blows. The glass plate is then transferred to a air blowing heads 102 which would be stopped and then started once the entire glass plate is in the air blowing area of air blowing heads 102 in order to provide a uniform tempering of the glass as taught by Applicant's admission.

***Response to Arguments***

Applicant's arguments filed 6/12/03 have been fully considered but they are not persuasive. Applicant argues that "this conventional method [Prior art Teaching] does not teach of stopping the blowing of air in the uppermost stream area of the air-blowing area after the entirety of the glass plate has been transferred from the uppermost stream area to a downstream side of the air-blowing area as recited in Claim 6." Additionally, applicant argues that "Applicants' specification, according to this conventional method, the blowing of air is stopped only after passing the glass plate completely through the air blowing heads, i.e., completely out of the air blowing area, but not after the entirety of the glass plate has been transferred from the uppermost stream area to a downstream side of the air-blowing area. As such, this conventional method requires a much longer interval than the method recited in Claim 6. Therefore, the subject matter recited in Claim 6 is clearly distinguishable from the conventional method discussed in Applicants' specification." It is noted that Letemps path which the glass plate travels is deemed as the air blowing area that includes a first air-blowing heads (16) at the upstream portion of the air blowing area (the claimed uppermost stream area), and a second air-blowing heads (102) at the downstream portion of the air blowing area (the claimed downstream side of the air-blowing area). In view of the admitted prior art teaching that the air blowing heads are started once an entire first glass plate is in the air blowing area formed by air-blowing heads, deemed as corresponding to the claimed upstream air blowing area formed by Letemps' upstream air-blowing heads (16), in order to provide a uniform and tempered glass plate, it would have been obvious to one of ordinary skill in the art to have stopped the upstream areas of Letemps in order to allow the glass plate be entirely in the upstream area to thus allow a uniform tempering of the glass plates once the upstream area air blowing heads entirely cover the glass plate. In fact the admitted prior art suggest leaving the air-blowing heads turned on while the glass plate is being transferred into the

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tempering/air-blowing area because it would fail to provide a uniform tempering the of the glass plate.

***Allowable Subject Matter***

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the cited prior art fails to disclose rollers configured to move vertically as recited in instant claim 10.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is (703) 605-1174. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

  
STEVEN P. GRIFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

C.L  
September 6, 2003